

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 3-07-00185
) JUDGE HAYNES
ANDREW LEE WASHINGTON,)
)
Defendant.)

O R D E R

On February 1, 2008, Defendant, Andrew Washington, pled guilty to felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) (Count One); possession with intent to distribute over five grams of cocaine base in violation of 21 U.S.C. § 841(a)(1) (Count Two); and possession with intent to distribute cocaine in violation of 21 U.S.C. § 841(a)(1) (Count Three). Based upon the sentencing guidelines at that time, Defendant's guideline range was 70-87 months. In addition, Defendant was subject to a five-year mandatory minimum sentence on Count Two. On May 5, 2008, the Court sentenced the Defendant to 70 months imprisonment, followed by four years of supervised release.

Before the Court is the Defendant's petition for immediate relief under retroactive crack cocaine amendment (Docket Entry No. 42) under 18 U.S.C. 3582(c) and United States Sentencing Guidelines (U.S.S.G.) § 1B1.10. Defendant's petition is based upon changes to the crack cocaine guidelines that the Sentencing Commission approved to apply retroactively beginning on November 1, 2011. Id. at 2. Defendant contends that under the amended guidelines, Defendant's new advisory

guideline range would be 37-46 months imprisonment. *Id.* at 3. Acknowledging that this amendment does not affect his 60 month mandatory minimum sentence, Defendant requests that he be re-sentenced to 60 months imprisonment. The Government filed its response (Docket Entry No. 45) and does not oppose Defendant's petition.

Accordingly, based upon the amended guidelines, Defendant's petition for immediate relief under retroactive crack cocaine amendment (Docket Entry No. 42) is **GRANTED**, and Defendant is re-sentenced to 60 months imprisonment. See United States v. Washington, No. 3:94-00092 (Docket Entry No. 291).

It is so **ORDERED**.

ENTERED this the 8 day of December, 2011.



WILLIAM J. HAYNES, JR.
United States District Judge